
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

April Scarlott §
§
versus § Civil Action 4:10-cv-04865
§
Nissan North America, Inc., et al. §

**DEFENDANT NISSAN NORTH AMERICA, INC.'S
MOTION TO SUPPLEMENT THE COURT'S RECORD**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Nissan North America, Inc. (“NNA”) files this Motion to Supplement the Court’s Record as it relates to NNA’s Motion for Rule 11 Sanctions, and would respectfully show the Court as follows:

1. On October 31, 2011, NNA filed its Motion for Rule 11 Sanctions [Doc. No. 101] against Plaintiff’s counsel, Mr. Noah Radbil, Mr. Aaron Radbil, and Mr. Dennis Kurz. NNA seeks sanctions based on Plaintiff’s counsel’s repeated misrepresentations to the Court.

2. Plaintiff filed her Response to said Motion on November 21, 2011 [Doc. No. 104]. In it, Plaintiff’s counsel heavily relies on a letter from NNA’s counsel to Plaintiff’s counsel dated February 15, 2010 to allegedly demonstrate that NNA has not had a consistent theory of liability.¹

3. NNA’s arguments are fully briefed in its Motion for Rule 11 Sanctions [Doc. No. 101]. However, NNA moves this Court to accept for filing the attached supplemental evidence: an email correspondence between Plaintiff’s original counsel of record, Ms. Susan Landgraf, and

¹ See Plaintiff’s Response to NNA’s Motion for Sanctions, already on file herein, at p. 2-3, 4, 35.

NNA's counsel. This correspondence will put into context the February 15, 2011 letter presented to the Court. *See FED. R. EVID. 106.*

WHEREFORE, PREMISES CONSIDERED, Defendant Nissan North America, Inc. respectfully requests the Court grant this Motion to Supplement the Court's Record and accept for filing the electronic correspondence between Plaintiff's counsel and counsel for Defendant Nissan North America, Inc.

Respectfully submitted,

s/ Giovanna Tarantino Bingham

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM-ECF system on the 30th day of November, 2011.

s/ Giovanna Tarantino Bingham

GIOVANNA TARANTINO BINGHAM

CERTIFICATE OF CONFERENCE

Counsel for Defendant hereby certifies that she conferred with Plaintiff's counsel in good faith regarding the merits of this Motion. Plaintiff opposes the relief sought, and therefore, counsel for Defendant submits the Motion for the Court's consideration.

s/ Giovanna Tarantino Bingham

GIOVANNA TARANTINO BINGHAM